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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,898	10/03/2006	Paul Franciscus Marie Verstraeten	T-155	7284
34539	7590	09/18/2009		
MARK ZOVKO 36504 28TH AVE S. FEDERAL WAY, WA 98003			EXAMINER KASTLER, SCOTT R	
			ART UNIT 1793	PAPER NUMBER
			MAIL DATE 09/18/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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In re application of :
Verstraeten : DECISION ON
Serial No. 10/567,898 : PETITION
Filed: October 03, 2006 :
For: LANCE DEVICE WITH RECIPROCATING DRIVE :

This is a decision on the PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION mailed March 25, 2009.

On March 25, 2009, a first non-final office action was mailed to the Applicant. Applicant responded to this office action with a response and amendment filed on June 24, 2009. An Advisory Action refusing entry of the amendment of June 24, 2009 was mailed on July 08, 2009. On July 22, 2009, the instant petition under 37 CFR 1.181 was timely filed to formally request the withdrawal of finality of the March 25, 2009 office action.

DECISION

It is clear from the record that the office action of March 25, 2009 was a non-final office action, as noted on the cover sheet of that office action and the non-presence of any final rejection form paragraph in this office action. Hence, the examiner clearly erred in refusing entry of the amendment of June 24, 2009. Since no final rejection is present in this application, the petition for withdrawal of finality is **DISMISSED**.

This application is being forwarded to the examiner for full consideration of the response and amendment submitted on June 24, 2009. An office action on the merits will follow in due course.

/Gregory L Mills/
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